

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015031017

ORDER DENYING MOTION TO
CONSOLIDATE

On March 19, 2015, Parent on behalf of Student (Student) filed a Request for Due Process Hearing in OAH case number 2015031017 (Student's First Case), naming Long Beach Unified School District (District).

On May 28, 2015, Student filed another Request for Due Process Hearing in OAH case number 2015051048 (Student's Second Case), naming District.

On May 28, 2015, Student filed a Motion to Consolidate Student's First Case with Student's Second Case.

On June 3, 2015, District filed an objection to consolidation on the ground that Student's First Case and Student's Second Case do not involve common questions of law and/or fact and consolidation would significantly increase the amount of time needed for the single issue alleged in Student's First Case.

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, Student's First Case and Student's Second Case do not involve a common question of law or fact. Student's First Case alleges Student requested independent educational evaluations on May 1, 2014, and District failed to provide independent educational evaluations in all areas requested. The issues in Student's Second Case are whether Student actually completed requirements to graduate with a high school diploma, and whether Student was denied the benefits of an actual high school education when District notified Parent on May 15, 2015, that Student met graduation requirements, was expected to

earn a regular high school diploma and exit special education on June 17, 2015. The two complaints state discreet and separate issues. The allegations in Student's Second Case arise approximately a year after the events alleged in Student's First Case. There is little potential overlap in the witnesses or documentary evidence. Moreover, consolidation would unnecessarily delay resolution of Student's First Case. Accordingly, the interests of judicial economy are not served by consolidation of Student's two cases.

Student's Motion to Consolidate is denied. The matter will proceed as scheduled.

IT IS SO ORDERED.

DATE: June 05, 2015

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings